

REMARKS

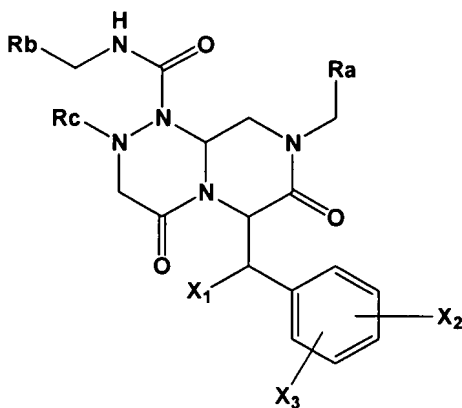
Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested. Claims 8, 12, 13 and 43 are pending. Claims 8 and 43 have been amended to clarify the claimed subject matter. Support for such amendments may be found at page 8, line 12 to page 10, line 17; page 27, line 4 to page 28, line 3; page 29, lines 1-12; and Examples 15 and 16 of the present application. No new matter has been added.

Rejections Under 35 U.S.C. 112, Second Paragraph

Claims 8, 12, 13 and 43 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. More specifically, it is asserted in the Action that:

1. Recitation of Y is oxygen, sulfur or nitrogen of a group selected from R<sub>a</sub>, R<sub>b</sub>, R<sub>c</sub>, X<sub>1</sub>, X<sub>2</sub> and X<sub>3</sub> in claim 8 renders claim 8 and its dependent claims indefinite as it is not clear as recited what is Y-R<sup>10</sup> group is when Y is part of X<sub>1</sub>, X<sub>2</sub> and X<sub>3</sub>. As seen, claim 8, X<sub>1</sub>, X<sub>2</sub> and X<sub>3</sub> are defined as hydrogen, hydroxyl and halide. It is not clear where in these said groups Y is linked. It is not clear how the R<sup>10</sup> group will be appended.
2. In addition, R<sub>10</sub> recites amino acid, which is a class of compound not a group. An appropriate correction is needed.

To facilitate allowance, Applicants have amended claim 8 to clarify the claimed subject matter. More specifically, amended claim 8 now is directed to a compound having the formula (VII), that is, (VI)-R<sub>10</sub>, wherein (VI) is the formula:



Claim 8 further recites that “one of R<sub>a</sub>, R<sub>b</sub>, R<sub>c</sub>, X<sub>1</sub>, X<sub>2</sub>, and X<sub>3</sub> is linked to R<sub>10</sub> via Y, Y is an oxygen, sulfur, or nitrogen in R<sub>a</sub>, R<sub>b</sub>, or R<sub>c</sub>, or an oxygen in X<sub>1</sub>, X<sub>2</sub>, or X<sub>3</sub>; and Y-R<sub>10</sub> is phosphate, hemisuccinate, dimethylaminoacetate, an amino acid residue, or a salt thereof, or R<sub>10</sub> is phosphoryloxymethyloxycarbonyl or a salt thereof.” It is now clear from amended claim 8 that in certain embodiments when it is part of X<sub>1</sub>, X<sub>2</sub>, or X<sub>3</sub>, Y is an oxygen; Y-R<sub>10</sub> is phosphate, hemisuccinate, dimethylaminoacetate, an amino acid residue, or a salt thereof, or R<sub>10</sub> is phosphoryloxymethyloxycarbonyl or a salt thereof; and R<sub>10</sub> is linked to X<sub>1</sub>, X<sub>2</sub>, or X<sub>3</sub> via Y. In addition, amended claim 8 recites “an amino acid residue” instead of “amino acid.”

In view of the above remarks, Applicants submit that this ground of rejection under 35 U.S.C. 112, second paragraph, has been overcome. Withdrawal of these rejections is respectfully requested.

#### Potentially Relevant Applications

Applicants submit that the following applications may be relevant to the present application: Application Nos. 09/844,519 (abandoned), 10/013,942 (abandoned), 10/449,822 (pending), 11/242,653 (pending), 10/087,005 (issued as Pat. No. 6,762,185), and 10/928,626 (pending).

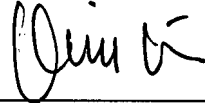
The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Application No. 10/826,972  
Reply to Office Action dated December 19, 2006

Applicants believe that all of the claims remaining in the application (*i.e.*, claims 8, 12, 13, and 43) are now allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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